



General Assembly

Substitute Bill No. 5122

February Session, 2010

* ____HB05122JUD__041410__ *

AN ACT ESTABLISHING A PAINT STEWARDSHIP PROGRAM.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) For purposes of this section
2 and section 2 of this act:

3 (1) "Architectural paint" means interior and exterior architectural
4 coatings sold in containers of one quart or more, including paints and
5 stains purchased for commercial or homeowner use. Architectural
6 paint does not include architectural coatings purchased for industrial
7 or original equipment manufacturer use.

8 (2) "Distributor" means a company that has a contractual
9 relationship with one or more manufacturers to market and sell
10 architectural paint to retailers.

11 (3) "Manufacturer" means a manufacturer of architectural paint.

12 (4) "Paint stewardship assessment" means the charge included in the
13 purchase price of architectural paint sold in this state to implement the
14 paint stewardship program described in section 2 of this act.

15 (5) "Postconsumer paint" means architectural paint not used by the
16 purchaser.

17 (6) "Representative organization" means the nonprofit organization

18 created by manufacturers to implement the paint stewardship
19 program described in section 2 of this act.

20 (7) "Retailer" means a person who sells architectural paint at retail.

21 Sec. 2. (NEW) (*Effective from passage*) (a) On or before September 1,
22 2011, manufacturers of architectural paint sold at retail in this state
23 shall jointly establish and implement, through a representative
24 organization, a state-wide paint stewardship program that minimizes
25 public sector involvement in the management of postconsumer paint
26 by reducing its generation, promoting its reuse and recycling, and
27 negotiating and executing agreements to collect, transport and process
28 postconsumer paint for end-of-life management in an environmentally
29 sound fashion. Such program shall reasonably make use of any
30 existing household hazardous waste collection programs in this state.

31 (b) (1) A paint stewardship assessment, as established pursuant to
32 subdivision (3) of this subsection, shall be included in the cost of all
33 architectural paint sold to retailers and distributors in this state. Each
34 such retailer or distributor shall include such assessment in the
35 purchase price of all architectural paint sold in this state.

36 (2) Such paint stewardship program shall include a funding
37 mechanism that allows each architectural paint manufacturer to remit
38 to the representative organization payment of a paint stewardship
39 assessment for each container of architectural paint it sells in this state.

40 (3) The representative organization shall establish a uniform paint
41 stewardship assessment for all architectural paint sold in this state. The
42 amount of such paint stewardship assessment shall be reviewed by the
43 Commissioner of Environmental Protection to assure that such
44 assessment does not exceed the costs of the paint stewardship
45 program.

46 (c) Paint manufacturers or the representative organization described
47 in subsection (a) of this section shall provide consumers with
48 educational materials regarding the paint stewardship assessment and

49 paint stewardship program. Such materials shall include, but not be
50 limited to, information that notifies consumers that a charge for the
51 operation of such paint stewardship program is included in the
52 purchase price of all architectural paint sold in this state.

53 (d) Paint retailers may participate as paint collection points
54 pursuant to such paint stewardship program on a voluntary basis.

55 (e) Any manufacturer or the representative organization that
56 organizes the collection, transport and processing of postconsumer
57 paint, in accordance with the paint stewardship program described in
58 subsection (a) of this section, shall be immune from liability for any
59 claim of a violation of antitrust, restraint of trade or unfair trade
60 practice provided such organizing, transporting or processing, as
61 applicable, is necessary to implement such program.

62 (f) On or before October 15, 2012, the representative organization
63 shall submit a report to the Commissioner of Environmental Protection
64 that details such paint stewardship program. Such report shall include,
65 but not be limited to: (1) A description of the methods used to collect,
66 transport and process postconsumer paint in this state; (2) the volume
67 of postconsumer paint collected in this state; (3) the volume of
68 postconsumer paint collected in this state by method of disposition,
69 including reuse, recycling and other methods of processing; (4) the
70 total cost of implementing such program, as determined by an
71 independent financial audit funded from the paint stewardship
72 assessment; (5) an evaluation of the operation of the program's funding
73 mechanism; (6) samples of educational materials provided to
74 consumers of architectural paint and an evaluation of the methods
75 used to disseminate such materials; and (7) an analysis of the
76 environmental costs and benefits of collecting and recycling latex
77 paint. Any data contained in such report shall not be subject to
78 disclosure pursuant to chapter 14 of the general statutes provided the
79 Commissioner of Environmental Protection may release a summary
80 form of such data that does not identify individual manufacturers,
81 distributors or retailers, or any other characteristics that could

82 uniquely identify an individual manufacturer, distributor or retailer.

83 (g) Not later than January 15, 2013, the Commissioner of
84 Environmental Protection shall submit, in accordance with section 11-
85 4a of the general statutes, a report to the joint standing committee of
86 the General Assembly having cognizance of matters relating to the
87 environment that describes the results of the paint stewardship
88 program and recommends any suggested modifications to improve the
89 functioning and efficiency of the program.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section

ENV *Joint Favorable Subst.*

JUD *Joint Favorable*